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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15

16 INTERTRUST TECHNOLOGIES  
17 CORPORATION,  
17 a Delaware corporation,

Case No. C 01 1640 SBA

18 Plaintiff,  
19 v.

THIRD AMENDED COMPLAINT FOR  
INFRINGEMENT OF U.S. PATENT NOS.  
6,185,683 B1; 6,253,193 B1; 5,940,504;  
5,920,861; 5,892,900; 5,982,891; AND  
5,917,912.

20 MICROSOFT CORPORATION, a  
21 Washington corporation,

DEMAND FOR JURY TRIAL

22 Defendant.

23  
24 Plaintiff INTERTRUST TECHNOLOGIES CORPORATION (hereafter "InterTrust")  
25 hereby complains of Defendant MICROSOFT CORPORATION (hereafter "Microsoft"), and  
26 alleges as follows:

27 JURISDICTION AND VENUE

28 1. This action for patent infringement arises under the patent laws of the United States,

1 Title 35, United States Code, more particularly 35 U.S.C. §§ 271 and 281.  
2 2. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).  
3 3. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c) and 1400(b).

4 **THE PARTIES**

5 4. Plaintiff InterTrust is a Delaware corporation with its principal place of business  
6 at 4750 Patrick Henry Drive, Santa Clara, California.

7 5. InterTrust is informed and believes, and on that basis alleges, that Defendant  
8 Microsoft is a Washington Corporation with its principal place of business at One Microsoft  
9 Way, Redmond, Washington.

10 6. InterTrust is informed and believes, and on that basis alleges, that Defendant  
11 Microsoft does business in this judicial district and has committed and is continuing to commit  
12 acts of infringement in this judicial district.

13 7. InterTrust is the owner of United States Patent No. 6,185,683 B1, entitled  
14 "Trusted and secure techniques, systems and methods for item delivery and execution" ("the  
15 '683 patent"), duly and lawfully issued on February 6, 2001.

16 8. InterTrust is the owner of United States Patent No. 6,253,193 B1, entitled  
17 "Systems and methods for secure transaction management and electronic rights protection" ("the  
18 '193 patent"), duly and lawfully issued on June 26, 2001.

19 9. InterTrust is the owner of United States Patent No. 5,940,504, entitled "Licensing  
20 management system and method in which datagrams including an address of a licensee and  
21 indicative of use of a licensed product are sent from the licensee's site" ("the '504 patent"), duly  
22 and lawfully issued on August 17, 1999.

23 10. InterTrust is the owner of United States Patent No. 5,920,861, entitled  
24 "Techniques for defining, using and manipulating rights management data structures" ("the '861  
25 patent"), duly and lawfully issued on July 6, 1999.

26 11. InterTrust is the owner of United States Patent No. 5,892,900, entitled "Systems  
27 and methods for secure transaction management and electronic rights protection" ("the '900  
28 patent"), duly and lawfully issued on April 6, 1999.

1           12. InterTrust is the owner of United States Patent No. 5,982,891, entitled "Systems  
2 and methods for secure transaction management and electronic rights protection" ("the '891  
3 patent"), duly and lawfully issued on November 9, 1999.

4 13. InterTrust is the owner of United States Patent No. 5,917,912 entitled "System  
5 and methods for secure transaction management and electronic rights protection" ("the '912  
6 patent"), duly and lawfully issued on June 29, 1999.

## **FIRST CLAIM FOR RELIEF**

9 14. InterTrust hereby incorporates by reference paragraphs 1-7 as if restated herein.

10 15. This is a claim for patent infringement under 35 U.S.C. §§ 271 and 281.

11        16.    InterTrust is informed and believes, and on that basis alleges, that Microsoft has  
12    been and is infringing the '683 patent under § 271(a) by making and using systems incorporating  
13    Windows Media Player Versions 7 and 8. In addition, on information and belief, InterTrust  
14    alleges that Microsoft is making and using other systems and/or is in the process of developing  
15    other systems, which infringe the '683 patent under § 271(a). InterTrust is further informed and  
16    believes, and on that basis alleges, that Microsoft's infringement of the '683 patent under  
17    §271(a) will continue unless enjoined by this Court.

18        17.    InterTrust is informed and believes, and on that basis alleges, that Microsoft has  
19    been and is knowingly and intentionally inducing others to infringe directly the '683 patent under  
20    § 271(a), thereby inducing infringement of the '683 patent under § 271(b). InterTrust is further  
21    informed and believes that Microsoft's inducement has at least included the manner in which  
22    Microsoft has promoted and marketed use of Windows Media Player Versions 7 and 8.  
23    InterTrust is further informed and believes, and on that basis alleges, that Microsoft's  
24    infringement of the '683 patent under § 271(b) will continue unless enjoined by this Court.

25 18. InterTrust is informed and believes, and on that basis alleges, that Microsoft has  
26 been and is contributorily infringing the '683 patent under § 271(c) by providing digital rights  
27 management software and related functions especially made or especially adapted for infringing  
28 use and not staple articles or commodities of commerce suitable for substantial noninfringing

1 use, including at least Windows Media Player Versions 7 and 8. InterTrust is further informed  
2 and believes, and on that basis alleges, that Microsoft's infringement of the '683 patent under  
3 §271(c) will continue unless enjoined by this Court.

4 19. InterTrust is informed and believes, and on that basis alleges, that Microsoft is  
5 willfully infringing the '683 patent in the manner described above in paragraphs 16 through 18,  
6 and will continue to do so unless enjoined by this Court.

7 20. InterTrust is informed and believes, and on that basis alleges, that Microsoft has  
8 derived and received, and will continue to derive and receive from the aforesaid acts of  
9 infringement gains, profits, and advantages, tangible and intangible, the extent of which are not  
10 presently known to InterTrust. By reason of the aforesaid acts of infringement, InterTrust has  
11 been, and will continue to be, irreparably harmed.

12 **SECOND CLAIM FOR RELIEF**

13 21. InterTrust hereby incorporates by reference paragraphs 1-6 and 8 as if restated  
14 herein.

15 22. This is a claim for patent infringement under 35 U.S.C. §§ 271 and 281.

16 23. InterTrust is informed and believes, and on that basis alleges, that Microsoft has  
17 been and is infringing the '193 patent under § 271(a) by using Windows Media Player Versions  
18 7 and 8. In addition, on information and belief, InterTrust alleges that Microsoft is making and  
19 using other systems and/or is in the process of developing other systems, which infringe the '193  
20 patent under § 271(a). InterTrust is further informed and believes, and on that basis alleges, that  
21 Microsoft's infringement of the '193 patent under §271(a) will continue unless enjoined by this  
22 Court.

23 24. InterTrust is informed and believes, and on that basis alleges, that Microsoft has  
24 been and is knowingly and intentionally inducing others to infringe directly the '193 patent under  
25 § 271(a), thereby inducing infringement of the '193 patent under § 271(b). InterTrust is further  
26 informed and believes that Microsoft's inducement has at least included the manner in which  
27 Microsoft has promoted and marketed use of Windows Media Player Versions 7 and 8.  
28 InterTrust is further informed and believes, and on that basis alleges, that Microsoft's

1 infringement of the '193 patent under §271(b) will continue unless enjoined by this Court.

2 25. InterTrust is informed and believes, and on that basis alleges, that Microsoft has  
3 been and is contributorily infringing the '193 patent under § 271(c) by providing digital rights  
4 management software and related functions especially made or especially adapted for infringing  
5 use and not staple articles or commodities of commerce suitable for substantial noninfringing  
6 use, including at least Windows Media Player Versions 7 and 8. InterTrust is further informed  
7 and believes, and on that basis alleges, that Microsoft's infringement of the '193 patent under  
8 §271(c) will continue unless enjoined by this Court.

9 26. InterTrust is informed and believes, and on that basis alleges, that Microsoft is  
10 willfully infringing the '193 patent in the manner described above in paragraphs 23 through 25,  
11 and will continue to do so unless enjoined by this Court.

12 27. InterTrust is informed and believes, and on that basis alleges, that Microsoft has  
13 derived and received, and will continue to derive and receive from the aforesaid acts of  
14 infringement gains, profits, and advantages, tangible and intangible, the extent of which are not  
15 presently known to InterTrust. By reason of the aforesaid acts of infringement, InterTrust has  
16 been, and will continue to be, irreparably harmed.

17 **THIRD CLAIM FOR RELIEF**

18 28. InterTrust hereby incorporates by reference paragraphs 1-6 and 9 as if restated  
19 herein.

20 29. This is a claim for patent infringement under 35 U.S.C. §§ 271 and 281.

21 30. InterTrust is informed and believes, and on that basis alleges, that Microsoft has  
22 been and is infringing the '504 patent under § 271(a) by Microsoft's use of the Product  
23 Activation feature of Windows XP, Office XP, and other Microsoft products. In addition, on  
24 information and belief, InterTrust alleges that Microsoft is making and using other systems  
25 and/or is in the process of developing other systems, which infringe the '504 patent under §  
26 271(a). InterTrust is further informed and believes, and on that basis alleges, that Microsoft's  
27 infringement of the '504 patent under §271(a) will continue unless enjoined by this Court.

28 31. InterTrust is informed and believes, and on that basis alleges, that Microsoft has

1 been and is knowingly and intentionally inducing others to infringe directly the '504 patent under  
2 § 271(a), thereby inducing infringement of the '504 patent under § 271(b). InterTrust is further  
3 informed and believes that Microsoft's inducement has at least included the manner in which  
4 Microsoft has promoted and marketed use of the Product Activation feature of Windows XP,  
5 Office XP, and other Microsoft products. InterTrust is further informed and believes, and on that  
6 basis alleges, that Microsoft's infringement of the '504 patent under §271(b) will continue unless  
7 enjoined by this Court.

8        32.    InterTrust is informed and believes, and on that basis alleges, that Microsoft has  
9    been and is contributorily infringing the '504 patent under § 271(c) by providing digital rights  
10   management software and related functions especially made or especially adapted for infringing  
11   use and not staple articles or commodities of commerce suitable for substantial noninfringing  
12   use, including the Product Activation feature of Windows XP, Office XP, and other Microsoft  
13   products. InterTrust is further informed and believes, and on that basis alleges, that Microsoft's  
14   infringement of the '504 patent under §271(c) will continue unless enjoined by this Court.

15        33.    InterTrust is informed and believes, and on that basis alleges, that Microsoft is  
16 willfully infringing the '504 patent in the manner described above in paragraphs 30 through 32,  
17 and will continue to do so unless enjoined by this Court.

18        34.    InterTrust is informed and believes, and on that basis alleges, that Microsoft has  
19    derived and received, and will continue to derive and receive from the aforesaid acts of  
20    infringement gains, profits, and advantages, tangible and intangible, the extent of which are not  
21    presently known to InterTrust. By reason of the aforesaid acts of infringement, InterTrust has  
22    been, and will continue to be, irreparably harmed.

## **FOURTH CLAIM FOR RELIEF**

24 35. InterTrust hereby incorporates by reference paragraphs 1-6 and 10 as if restated  
25 herein.

26 36. This is a claim for patent infringement under 35 U.S.C. §§ 271 and 281.

27 37. InterTrust is informed and believes, and on that basis alleges, that Microsoft has  
28 been and is infringing the '861 patent under § 271(a) by making, using, selling, and offering for

1 sale digital rights management software incorporating inventions claimed in the '861 patent,  
2 including but not limited to the Digital Asset Server and Microsoft Reader. In addition, on  
3 information and belief, InterTrust alleges that Microsoft is making and using other systems  
4 and/or is in the process of developing other systems, including Microsoft's .NET architecture,  
5 which infringe the '861 patent under § 271(a). InterTrust is further informed and believes, and  
6 on that basis alleges, that Microsoft's infringement of the '861 patent under § 271(a) will  
7 continue unless enjoined by this Court.

8 38. InterTrust is informed and believes, and on that basis alleges, that Microsoft has  
9 been and is knowingly and intentionally inducing others to infringe directly the '861 patent under  
10 § 271(a), thereby inducing infringement of the '861 patent under § 271(b). InterTrust is further  
11 informed and believes that Microsoft's inducement has at least included the manner in which  
12 Microsoft has promoted and marketed use of Digital Asset Server, Microsoft Reader, and the  
13 .NET architecture. InterTrust is further informed and believes, and on that basis alleges, that  
14 Microsoft's infringement of the '861 patent under § 271(b) will continue unless enjoined by this  
15 Court.

16 39. InterTrust is informed and believes, and on that basis alleges, that Microsoft has  
17 been and is contributorily infringing the '861 patent under § 271(c) by providing digital rights  
18 management software and related functions especially made or especially adapted for infringing  
19 use and not staple articles or commodities of commerce suitable for substantial noninfringing  
20 use, including but not limited to the Digital Asset Server and Microsoft Reader. InterTrust is  
21 further informed and believes, and on that basis alleges, that Microsoft's infringement of the  
22 '861 patent under § 271(c) will continue unless enjoined by this Court.

23 40. InterTrust is informed and believes, and on that basis alleges, that Microsoft is  
24 willfully infringing the '861 patent in the manner described above in paragraphs 37 through 39,  
25 and will continue to do so unless enjoined by this Court.

26 41. InterTrust is informed and believes, and on that basis alleges, that Microsoft has  
27 derived and received, and will continue to derive and receive from the aforesaid acts of  
28 infringement gains, profits, and advantages, tangible and intangible, the extent of which are not

1 presently known to InterTrust. By reason of the aforesaid acts of infringement, InterTrust has  
2 been, and will continue to be, irreparably harmed.

3 **FIFTH CLAIM FOR RELIEF**

4 42. InterTrust hereby incorporates by reference paragraphs 1-6 and 11 as if restated  
5 herein.

6 43. This is a claim for patent infringement under 35 U.S.C. §§ 271 and 281.

7 44. InterTrust is informed and believes, and on that basis alleges, that Microsoft has  
8 been and is infringing the '900 patent under § 271(a) by Microsoft's use of the Product  
9 Activation feature of Windows XP, Office XP, and other Microsoft products. In addition, on  
10 information and belief, InterTrust alleges that Microsoft is making and using other systems  
11 and/or is in the process of developing other systems, which infringe the '900 patent under §  
12 271(a). InterTrust is further informed and believes, and on that basis alleges, that Microsoft's  
13 infringement of the '900 patent under §271(a) will continue unless enjoined by this Court.

14 45. InterTrust is informed and believes, and on that basis alleges, that Microsoft has  
15 been and is knowingly and intentionally inducing others to infringe directly the '900 patent under  
16 § 271(a), thereby inducing infringement of the '900 patent under § 271(b). InterTrust is further  
17 informed and believes that Microsoft's inducement has at least included the manner in which  
18 Microsoft has promoted and marketed use of the Product Activation feature of Windows XP,  
19 Office XP, and other Microsoft products. InterTrust is further informed and believes, and on that  
20 basis alleges, that Microsoft's infringement of the '900 patent under §271(b) will continue unless  
21 enjoined by this Court.

22 46. InterTrust is informed and believes, and on that basis alleges, that Microsoft has  
23 been and is contributorily infringing the '900 patent under § 271(c) by providing digital rights  
24 management software and related functions especially made or especially adapted for infringing  
25 use and not staple articles or commodities of commerce suitable for substantial noninfringing  
26 use, including the Product Activation feature of Windows XP, Office XP, and other Microsoft  
27 products. InterTrust is further informed and believes, and on that basis alleges, that Microsoft's  
28 infringement of the '900 patent under §271(c) will continue unless enjoined by this Court.

1       47. InterTrust is informed and believes, and on that basis alleges, that Microsoft is  
2 willfully infringing the '900 patent in the manner described above in paragraphs 44 through 46,  
3 and will continue to do so unless enjoined by this Court.

4       48. InterTrust is informed and believes, and on that basis alleges, that Microsoft has  
5 derived and received, and will continue to derive and receive from the aforesaid acts of  
6 infringement gains, profits, and advantages, tangible and intangible, the extent of which are not  
7 presently known to InterTrust. By reason of the aforesaid acts of infringement, InterTrust has  
8 been, and will continue to be, irreparably harmed.

9

10       SIXTH CLAIM FOR RELIEF

11       49. InterTrust hereby incorporates by reference paragraphs 1-6 and 12 as if restated  
12 herein.

13       50. This is a claim for patent infringement under 35 U.S.C. §§ 271 and 281.

14       51. InterTrust is informed and believes, and on that basis alleges, that Microsoft has  
15 been and is infringing the '891 patent under § 271(a) by Microsoft's implementation of its .NET  
16 architecture. In addition, on information and belief, InterTrust alleges that Microsoft is making  
17 and using other systems and/or is in the process of developing other systems, which infringe the  
18 '891 patent under § 271(a). InterTrust is further informed and believes, and on that basis alleges,  
19 that Microsoft's infringement of the '891 patent under § 271(a) will continue unless enjoined by  
20 this Court.

21       52. InterTrust is informed and believes, and on that basis alleges, that Microsoft has  
22 been and is knowingly and intentionally inducing others to infringe directly the '891 patent under  
23 § 271(a), thereby inducing infringement of the '891 patent under § 271(b). InterTrust is further  
24 informed and believes that Microsoft's inducement has at least included the manner in which  
25 Microsoft has promoted and marketed use of its .NET architecture. InterTrust is further  
26 informed and believes, and on that basis alleges, that Microsoft's infringement of the '891 patent  
27 under § 271(b) will continue unless enjoined by this Court.

28       53. InterTrust is informed and believes, and on that basis alleges, that Microsoft has

1 been and is contributorily infringing the '891 patent under § 271(c) by providing .NET software  
2 and related functions especially made or especially adapted for infringing use and not staple  
3 articles or commodities of commerce suitable for substantial noninfringing use. InterTrust is  
4 further informed and believes, and on that basis alleges, that Microsoft's infringement of the  
5 '891 patent under §271(c) will continue unless enjoined by this Court.

6 54. InterTrust is informed and believes, and on that basis alleges, that Microsoft is  
7 willfully infringing the '891 patent in the manner described above in paragraphs 51 through 53,  
8 and will continue to do so unless enjoined by this Court.

9 55. InterTrust is informed and believes, and on that basis alleges, that Microsoft has  
10 derived and received, and will continue to derive and receive from the aforesaid acts of  
11 infringement gains, profits, and advantages, tangible and intangible, the extent of which are not  
12 presently known to InterTrust. By reason of the aforesaid acts of infringement, InterTrust has  
13 been, and will continue to be, irreparably harmed.

14 **SEVENTH CLAIM FOR RELIEF**

15 56. InterTrust hereby incorporates by reference paragraphs 1-6 and 13 as if restated  
16 herein.

17 57. This is a claim for patent infringement under 35 U.S.C. §§ 271 and 281.

18 58. InterTrust is informed and believes, and on that basis alleges, that Microsoft has  
19 been and is infringing the '912 patent under § 271(a) by Microsoft's implementation of its .NET  
20 architecture. In addition, on information and belief, InterTrust alleges that Microsoft is making  
21 and using other systems and/or is in the process of developing other systems, which infringe the  
22 '912 patent under § 271(a). InterTrust is further informed and believes, and on that basis alleges,  
23 that Microsoft's infringement of the '912 patent under §271(a) will continue unless enjoined by  
24 this Court.

25 59. InterTrust is informed and believes, and on that basis alleges, that Microsoft has  
26 been and is knowingly and intentionally inducing others to infringe directly the '912 patent under  
27 § 271(a), thereby inducing infringement of the '912 patent under § 271(b). InterTrust is further  
28 informed and believes that Microsoft's inducement has at least included the manner in which

1 Microsoft has promoted and marketed use of its .NET architecture. InterTrust is further  
2 informed and believes, and on that basis alleges, that Microsoft's infringement of the '912 patent  
3 under §271(b) will continue unless enjoined by this Court.

4 60. InterTrust is informed and believes, and on that basis alleges, that Microsoft has  
5 been and is contributorily infringing the '912 patent under § 271(c) by providing .NET software  
6 and related functions especially made or especially adapted for infringing use and not staple  
7 articles or commodities of commerce suitable for substantial noninfringing use. InterTrust is  
8 further informed and believes, and on that basis alleges, that Microsoft's infringement of the  
9 '912 patent under §271(c) will continue unless enjoined by this Court.

10 61. InterTrust is informed and believes, and on that basis alleges, that Microsoft is  
11 willfully infringing the '912 patent in the manner described above in paragraphs 58 through 60,  
12 and will continue to do so unless enjoined by this Court.

13 62. InterTrust is informed and believes, and on that basis alleges, that Microsoft has  
14 derived and received, and will continue to derive and receive from the aforesaid acts of  
15 infringement gains, profits, and advantages, tangible and intangible, the extent of which are not  
16 presently known to InterTrust. By reason of the aforesaid acts of infringement, InterTrust has  
17 been, and will continue to be, irreparably harmed.

18

19 **PRAYER FOR RELIEF**

20 WHEREFORE, InterTrust prays for relief as follows:

21 A. That Microsoft be adjudged to have infringed the '683 patent under 35 U.S.C. §  
22 271(a);

23 B. That Microsoft be adjudged to have infringed the '683 patent under 35 U.S.C. § 271(b)  
24 by inducing others to infringe directly the '683 patent under 35 U.S.C. § 271(a);

25 C. That Microsoft be adjudged to have contributorily infringed the '683 patent under  
26 35 U.S.C. § 271(c);

27 D. That Microsoft be adjudged to have willfully infringed the '683 patent under 35  
28 U.S.C. §§ 271(a), (b), and (c);

1       E.     That Microsoft, its officers, agents, servants, employees and attorneys, and those  
2 persons in active concert or participation with them be preliminarily and permanently restrained  
3 and enjoined under 35 U.S.C. § 283 from directly or indirectly infringing the '683 patent;

4       F.     That Microsoft be adjudged to have infringed the '193 patent under 35 U.S.C. §  
5 271(a);

6       G.     That Microsoft be adjudged to have infringed the '193 patent under 35 U.S.C. §  
7 271(b) by inducing others to infringe directly the '193 patent under 35 U.S.C. § 271(a);

8       H.     That Microsoft be adjudged to have contributorily infringed the '193 patent under  
9 35 U.S.C. § 271(c);

10      I.     That Microsoft be adjudged to have willfully infringed the '193 patent under 35  
11 U.S.C. §§ 271(a), (b), and (c);

12      J.     That Microsoft, its officers, agents, servants, employees and attorneys, and those  
13 persons in active concert or participation with them be preliminarily and permanently restrained  
14 and enjoined under 35 U.S.C. § 283 from directly or indirectly infringing the '193 patent;

15      K.     That Microsoft be adjudged to have infringed the '504 patent under 35 U.S.C. §  
16 271(a);

17      L.     That Microsoft be adjudged to have infringed the '504 patent under 35 U.S.C. §  
18 271(b) by inducing others to infringe directly the '504 patent under 35 U.S.C. § 271(a);

19      M.     That Microsoft be adjudged to have contributorily infringed the '504 patent under  
20 35 U.S.C. § 271(c);

21      N.     That Microsoft be adjudged to have willfully infringed the '504 patent under 35  
22 U.S.C. §§ 271(a), (b), and (c);

23      O.     That Microsoft, its officers, agents, servants, employees and attorneys, and those  
24 persons in active concert or participation with them be preliminarily and permanently restrained  
25 and enjoined under 35 U.S.C. § 283 from directly or indirectly infringing the '504 patent;

26      P.     That this Court award damages to compensate InterTrust for Microsoft's  
27 infringement, as well as enhanced damages, pursuant to 35 U.S.C. § 284;

28      Q.     That this Court adjudge this case to be exceptional and award reasonable

1 attorney's fees to InterTrust pursuant to 35 U.S.C. § 285;

2 R. That Microsoft be adjudged to have infringed the '861 patent under 35 U.S.C. §  
3 271(a);

4 S. That Microsoft be adjudged to have infringed the '861 patent under 35 U.S.C. §  
5 271(b) by inducing others to infringe directly the '861 patent under 35 U.S.C. § 271(a);

6 T. That Microsoft be adjudged to have contributorily infringed the '861 patent under  
7 35 U.S.C. § 271(c);

8 U. That Microsoft be adjudged to have willfully infringed the '861 patent under 35  
9 U.S.C. §§ 271(a), (b), and (c);

10 V. That Microsoft, its officers, agents, servants, employees and attorneys, and those  
11 persons in active concert or participation with them be preliminarily and permanently restrained  
12 and enjoined under 35 U.S.C. § 283 from directly or indirectly infringing the '861 patent;

13 W. That Microsoft be adjudged to have infringed the '900 patent under 35 U.S.C. §  
14 271(a);

15 X. That Microsoft be adjudged to have infringed the '900 patent under 35 U.S.C. §  
16 271(b) by inducing others to infringe directly the '900 patent under 35 U.S.C. § 271(a);

17 Y. That Microsoft be adjudged to have contributorily infringed the '900 patent under  
18 35 U.S.C. § 271(c);

19 Z. That Microsoft be adjudged to have willfully infringed the '900 patent under 35  
20 U.S.C. §§ 271(a), (b), and (c);

21 AA. That Microsoft, its officers, agents, servants, employees and attorneys, and those  
22 persons in active concert or participation with them be preliminarily and permanently restrained  
23 and enjoined under 35 U.S.C. § 283 from directly or indirectly infringing the '900 patent;

24 BB. That Microsoft be adjudged to have infringed the '891 patent under 35 U.S.C. §  
25 271(a);

26 CC. That Microsoft be adjudged to have infringed the '891 patent under 35 U.S.C. §  
27 271(b) by inducing others to infringe directly the '891 patent under 35 U.S.C. § 271(a);

28 DD. That Microsoft be adjudged to have contributorily infringed the '891 patent under

1 35 U.S.C. § 271(c);

2 EE. That Microsoft be adjudged to have willfully infringed the '891 patent under 35  
3 U.S.C. §§ 271(a), (b), and (c);

4 FF. That Microsoft, its officers, agents, servants, employees and attorneys, and those  
5 persons in active concert or participation with them be preliminarily and permanently restrained  
6 and enjoined under 35 U.S.C. § 283 from directly or indirectly infringing the '891 patent;

7 GG. That Microsoft be adjudged to have infringed the '912 patent under 35 U.S.C. §  
8 271(a);

9 HH. That Microsoft be adjudged to have infringed the '912 patent under 35 U.S.C. §  
10 271(b) by inducing others to infringe directly the '912 patent under 35 U.S.C. § 271(a);

11 II. That Microsoft be adjudged to have contributorily infringed the '912 patent under  
12 35 U.S.C. § 271(c);

13 JJ. That Microsoft be adjudged to have willfully infringed the '912 patent under 35  
14 U.S.C. §§ 271(a), (b), and (c);

15 KK. That Microsoft, its officers, agents, servants, employees and attorneys, and those  
16 persons in active concert or participation with them be preliminarily and permanently restrained  
17 and enjoined under 35 U.S.C. § 283 from directly or indirectly infringing the '912 patent;

18  
19 LL. That this Court assess pre-judgment and post-judgment interest and costs against  
20 Microsoft, and award such interest and costs to InterTrust, pursuant to 35 U.S.C. § 284; and

21 MM. That InterTrust have such other and further relief as the Court may deem proper.

22 Dated: October 26, 2001

KEKER & VAN NEST, LLP

23 By: \_\_\_\_\_  
24  
25 MICHAEL H. PAGE  
26 Attorneys for Plaintiff  
27 INTERTRUST TECHNOLOGIES  
28 CORPORATION

**DEMAND FOR JURY TRIAL**

2 Plaintiff InterTrust hereby demands a trial by jury as to all issues triable by jury,  
3 specifically including, but not limited to, the issue of infringement of United States Patent Nos.  
4 6,185,683 B1; 6,253,193 B1; 5,940,504; 5,920,861; 5,892,900; 5,982,891; and 5,917,912.

6 || Dated: October 26, 2001

KEKER & VAN NEST, LLP

By: MICHAEL H. PAGE  
Attorneys for Plaintiff  
INTERTRUST TECHNOLOGIES  
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